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ATTORNEY DOCKET NO.: 051252-5175-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Michael P. DALLMEYER, *et al.* )  
Application No.: 10/645,777 ) Group Art Unit: 3754  
Filed: August 22, 2003 ) Examiner: J. Bastianelli  
For: MODULAR FUEL INJECTOR HAVING )  
A SURFACE TREATMENT ON AN IMPACT )  
SURFACE OF AN ELECTROMAGNETIC )  
ACTUATOR AND HAVING AN INTEGRAL )  
FILTER AND DYNAMIC ADJUSTMENT )  
ASSEMBLY )

Commission for Patents  
U.S. Patent and Trademark Office  
220 20th Street, South  
**Customer Window, Mail Stop Amendment**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**AMENDMENT AND REQUEST FOR RECONSIDERATION**  
**TRANSMITTAL FORM**

1. Transmitted herewith is a Request for Reconsideration in response to the non-final Office Action mailed April 7, 2004.
2. Additional papers enclosed:
  - ☐ Drawings: ☐ Formal
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_ references attached
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months<br/>Requested</u>     | <u>Fee for<br/>Extension</u> | <u>[Fee for Small<br/>Entity]</u> |
|---------------------------------------|------------------------------|-----------------------------------|
| <input type="checkbox"/> one month    | \$ 110.00                    | \$ 55.00                          |
| <input type="checkbox"/> two months   | \$ 420.00                    | \$ 210.00                         |
| <input type="checkbox"/> three months | \$ 950.00                    | \$ 475.00                         |
| <input type="checkbox"/> four months  | \$ 1,480.00                  | \$ 740.00                         |

Extension of time fee due with this request: \$0.00.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED                                     |   |       |                                |                  |               |            |
|---|---|-------|--------------------------------|------------------|---------------|------------|
|   | Claims<br>Remaining<br>After<br>Amendment |       | Highest No.<br>Previously Paid | Present<br>Extra | at Rate of    | Total Fees |
| Total Claims<br>(37 C.F.R. §1.16(c))                  | 2   | minus | 20                             | 0                | x \$18 each = | + \$0.00   |
| Independent Claims<br>(37 C.F.R. §1.16(b))            | 1   | minus | 3                              | 0                | x \$86 each = | + \$0.00   |
| [ ] First presentation of Multiple dependent claim(s) |   |       |                                |                  | \$290.00      | + \$0.00   |
| SUB-TOTAL =   |   |       |                                |                  |               | \$0.00     |
| Reduction by ½ for filing by a small entity           |   |       |                                |                  |               | - \$0.00   |
| TOTAL FEE =   |   |       |                                |                  |               | \$0.00     |

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge Deposit Account No. 50-0310 in the amount of \$\_\_\_\_\_ for the \_\_\_\_-month extension of time fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Date: July 7, 2004

By: \_\_\_\_\_

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Sir:

**AMENDMENT AND REQUEST FOR  
RECONSIDERATION UNDER 37 C.F.R. § 1.111**

In response to the non-final Office Action mailed **07 April 2004**, for which the period of response extends through 07 July 2004, please amend the application as follows: